

Remarks

Claims 9-13 and 15-16 are pending. Claim 14 is canceled in this Response.

Amendment to the Specification

Paragraph 0021 is amended to correct an erroneous part number.

Double Patenting -- Claim 14

Claim 14 was rejected under the judicially created doctrine of obviousness type double patenting over Claim 2 in U.S. Patent No. 6,601,840. Claim 11 has been amended to incorporate the limitations of Claim 14 and Claim 14 has been canceled. A Terminal Disclaimer accompanies this response. Claim 11, therefore, is felt to be in condition for allowance.

Rejections Under 35 U.S.C. § 103

Claims 9-10 and 15-16 were rejected under Section 103 as being obvious over Kubota in view of Eichorn. Claims 11-13 were rejected under Section 103 as being obvious over Yamazaki in view of Eichorn.

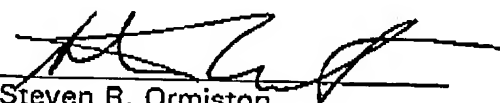
Claim 11 has been amended to incorporate the limitations of Claim 14. Claim 11 and Claims 12-13 which depend from Claim 11 are, therefore, felt to be in condition for allowance.

Claims 9 and 15 require a sheet accumulator configured to move the stack of sheets back and forth through the binding port. Neither Kubota nor Eichorn teach the required accumulator. In both Kubota and Eichorn, printed sheets accumulate on an inclined tray (tray 37 in Kubota and tray 32 in Eichorn) with the lower end of the sheets already in position for binding. In Kubota, the stapled stack is pulled off the tray by a "discharge means" 39. Eichorn does not disclose any mechanism to move the bound stack off tray 32. There is no configuration of parts in Kubota or Eichorn to move the stack back and forth as required in Claims 9 and 15, and the Examiner has made no specific assertion to the contrary. For this reason, Claims 9 and 15 are felt to distinguish patentably over Kubota and Eichorn.

Claims 10 and 16 are also felt to distinguish patentably over the cited references due to their dependence on Claims 9 and 15, respectively.

The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,



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